

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

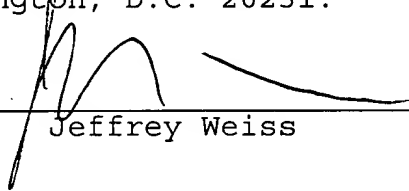
APPLICANT: WEINGARDT DOCKET NO:  
PATENT NO: 5,909,875 EXAMINER:  
ISSUED: JUNE 8, 1999 ART UNIT:  
TITLE: KENO GAME

---

Assistant Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Weiss & Moy, P.C.  
4204 North Brown Avenue  
Scottsdale, Arizona 85251-3989

June 7, 2001

I hereby certify that on the 7<sup>th</sup> day of June, 2001, this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Box Reissue; Washington, D.C. 20231.

  
\_\_\_\_\_  
Jeffrey Weiss

DECLARATION UNDER 37 CFR Section 1.175

Dear Sir:

I, GARY WEINGARDT, declare:

1. My residence address and citizenship are as stated below next to my name.
2. I am the sole inventor and owner of the Keno Game, U.S. Patent No. 5,909,875 (the "Subject Patent"), the Subject Patent having never been assigned by me to another party.
3. I believe the Subject Patent to be wholly or partly inoperative or invalid, by reason of claiming less than I had the right to claim in the Subject Patent.

4. I am filing this application as part of an application to reissue the above patent, in compliance with 37 CFR 1.175.

5. Specifically, errors were made in the drafting of issued Claims 1 and 6. These errors pertained to the designation of numbered spaces on the keno board with a second designated marking.

6. The Subject Patent concerned a Keno Game in which numbers on the Keno display board may be designated with distinctive markings, so as to provide more and higher payouts -- resulting in increased player participation and additional revenue.

7. The Subject Patent incorporated by reference the disclosures of U.S. Patent No. 5,482,289 and Application Serial No. 08/569,793, which application later issued as U.S. Patent No. 5,727,786.

8. In each of Claims 1 and 6, one element recites the step of "randomly designating a portion of the numbered spaces on the keno board with at least a first designated marking." Another element recites the step of "designating the remaining numbered spaces on the keno board with a second designated marking."

9. As drafted, Claims 1 and 6 would read on a keno game having all spaces marked with one of two designated markings -- e.g., with one group of spaces marked with designated marking "A" and all of the other spaces marked with designated marking "B". However, the undersigned is concerned that those Claims might not be interpreted so as to read on a keno game in which a portion of the spaces are marked with a first marking "A", a portion of the spaces are marked with a second marking "B", and a portion is left

104090-8082800

un-marked or marked with a third (and perhaps also fourth, fifth, etc.) marking "C".

10. It was not my intention for the claims to be so limited. For example, in U.S. Patent No. 5,727,786, the specification of which was incorporated into the Subject Patent, disclosure is made of a bingo game in which the bingo numbers are designated with suitable markings -- for example colors. The '786 Patent specifically discloses that there could be as few as two or three designated markings, or more than four designated markings. See Col. 6, lines 4-8. Moreover, the '786 Patent specifically discloses that it would be possible to leave certain of the numbers with their original designation on the number board, which original designation would itself be considered as a designated marking. See, e.g., Col. 4, lines 57-60.

11. Therefore, the Subject Patent should be reissued, with Claims 1 and 6 properly amended. The amended claims draw their amended language from the specification of the '786 Patent, which was incorporated by reference into the Subject Patent, and therefore no new matter is introduced.


12. The above-described errors were made inadvertently and without any deceptive intent.

13. I discovered with above-described errors within the last six months or so, when reviewing one of my other patents in connection with a possible infringement claim.

14. I acknowledge a duty to disclose information of which I am aware that is material to the examination of this application in accordance with 37 C.F.R. Section 1.56(a).

15. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent reissuing thereon.

Dated: June 5, 2001

  
\_\_\_\_\_  
Gary Weingardt  
5416 Gypsy Avenue  
Las Vegas, NV 89107